

## REMARKS

Favorable reconsideration of this application, as presently amended, is respectfully requested.

The specification has been amended to update a patent application cited on page 30 of the specification.

Claims 1-30 are pending in the present application. Claims 1-18 and 20-24 were rejected under 35 USC 102(b) as being anticipated by Fredlund et al. '215. Claims 25-26 were rejected under 35 USC 103(a) as being unpatentable over Fredlund et al. '215 in view of Shaffer et al. '330. Claim 19 was rejected under 35 USC 103(a) as being unpatentable over Fredlund et al. '215 in view of Bourdelais et al. '282. Claims 27-30 were rejected under 35 USC 103(a) as being unpatentable over Fredlund et al. '215 in view of Shaffer et al. '330 further in view of Fields et al. '109.

Referring to the rejection of claims 1-18 and 20-24 under 35 USC 102(b) as being anticipated by Fredlund et al. '215, the reference to Fredlund et al. '215 is not believed to anticipate and make obvious the specific features required by the claimed invention.

Claim 1 relates to a photofinishing method that comprises the steps of offering a plurality of predetermined available image looks to a customer in a manner that permits the customer to select at least one image-look for association with at least one image captured by the customer on scan-only photographic material; converting the at least one image to an image-bearing electronic signal representative of the at least one image; applying the selected look to the image-bearing electronic signal; processing the image-bearing electronic signal to provide a processed image having properties of the selected image look; and transferring the processed image to at least one of a customer or an intended recipient.

The reference to Fredlund et al. '215 relates to a system and method that enable the remote selection of photographic images and provide a user with the ability during an ordering process to improve the image or correct the image for defects. This is different from the method of the present invention, wherein the method comprises offering a plurality of predetermined image looks to a customer in a manner that permits the customer to select at least one image look for association with at least one image captured by the customer. The

claimed plurality of predetermined available image looks that are offered to a customer is different from the options illustrated in Fig. 3 of Fredlund et al. '215. The options illustrated in Fig. 3 of Fredlund et al. enable the improvement of an image or the correction of a defect in the image by offering the user the option of reducing red-eye, zooming and cropping, and selecting frames and borders. It is noted that options such as zooming and cropping and the reduction of red-eye are not predetermined image looks that are available for selection by a customer as required by the claimed invention. As described in the specification, the image looks could be features such as high color, sepia tones, etc. The image looks in accordance with the present invention permit a user to customize their image in accordance with their preference. In some instances, what is a desired image look for a particular user may not necessarily improved the image or correct a defect in the manner as disclosed by Fredlund et al. '215.

The reference to Fredlund et al. '215 is also not believed to show or suggest the concept of providing the image looks for association with scan-only photographic material as also required by claim 1. Within the context of the present invention, scan-only film is film intended for scanning that can be characterized by having low suitability for both direct viewing and optical printing. This is not shown or suggested in the reference to Fredlund et al. '215.

Accordingly, the reference to Fredlund et al. '215 is not believed to anticipate or make obvious the features required by claim 1.

Claims 2-9 depend either directly or indirectly from claim 1 and set forth further unique features of the present invention which are also not believed to be shown or suggested in the reference to Fredlund et al. '215.

Claim 10 relates to a photofinishing method which like claim 1 comprises offering a plurality of predetermined possible image looks and representing the image looks on a display medium for viewing and selection by a customer. For the reasons noted above with respect to claim 1, the reference to Fredlund et al. '215 is also not believed to anticipate or make obvious the features of claim 10.

Claims 11-18 and 20 depend either directly or indirectly from claim 10 and set forth further unique features of the present invention which are also not believed to be shown or suggested in the reference to Fredlund et al. '215. Therefore, these claims are also believed to be allowable.

Claim 21 relates to a photofinishing method which comprises offering a plurality of predetermined image looks to a customer in a manner that permits the customer to select at least one image look which is to be applied to an image bearing electronic signal representative of a captured image. For the reasons noted above with respect to claims 1 and 10, the reference to Fredlund et al. '215 is not believed to anticipate or make obvious the features of claim 21.

Claim 22 depends from claim 21 and sets forth an additional unique feature of the present invention which is also not believed to be shown or suggested in the applied reference.

Claim 23 relates to an image processing arrangement which comprises a processing section that includes a display for displaying a plurality of predetermined available image looks, with the processing section being adapted to permit a user to select at least one look from the available looks for association with a digital image. For the reasons noted above, the reference to Fredlund et al. '215 is not believed to show or suggest the processing section as required by claim 23.

Claim 24 relates to a computer program product, comprising a computer readable storage medium having a computer program stored thereon, which when loaded into the computer, causes the computer to perform at least the step of offering a plurality of predetermined available image looks to a customer in a manner that permits the customer to select at least one image look which is to be applied to an image bearing electronic signal representative of a captured image. As noted above, the reference to Fredlund et al. '215 is not believed to show or suggest this feature of the present invention. Therefore, claim 24 is also believed to be allowable.

Accordingly, the reference to Fredlund et al. '215 is not believed to anticipate or make obvious the specific features required by claim 1-18 and 20-24.

Referring to the rejection of claim 25-26 under 35 USC 103(a) as being unpatentable over Fredlund et al. '215 in view of Shaffer et al. '330, the reference to Fredlund et al. '215 and its applicability to the claimed invention has been discussed above. The reference to Shaffer et al. '330 does not correct the deficiencies of Fredlund et al. '215 with respect to the claimed invention. Claim 25 relates to a photofinishing method based on an interactive photofinishing service ordering session between a photofinishing service provider and a

customer, wherein the method comprises offering a plurality of predetermined possible image looks to the customer. For the reasons noted above, the reference to Fredlund et al. '215 does not show or suggest this feature of the claimed invention. The reference to Shaffer et al. '330 does not correct the deficiencies of Fredlund et al. '215 with respect to the claimed invention in that the reference to Shaffer et al '330 also does not show or suggest the above claimed feature. Additionally, even if combinable, the combination would not show or suggest the features required by the photofinishing method of claim 25. Furthermore, absent Applicants' disclosure, one having ordinary skill in the art would not have combined the applied references to achieve the claimed invention.

Accordingly, Fredlund et al. '215 and Shaffer et al. '330, whether considered individually or in combination, are not believed to anticipate or make obvious the features of claim 25.

Claim 26 relates to a computer program product which like claim 25 requires offering a plurality of predetermined possible image looks to a customer in a manner that permits the customer to select a preferred image look. For the reasons noted above, Fredlund et al. '215 and Shaffer et al. '330, whether considered individually or in combination, are not believed to anticipate or make obvious the features of claim 26.

Referring to the rejection of claim 19 under 35 USC 103(a) as being unpatentable over Fredlund et al. '215 in view of Bourdelais et al.'282, claim 19 requires that the processing step for the exposed photographic recording material includes lamination to a donor medium. Claim 19 depends from claim 17 which depends from claim 10. Claim 19 sets forth a further unique feature of the invention, which when taken in combination with the features of claim 10 and claim 17, is not believed to be shown or suggested in the applied references, whether the references are considered individually or in combination.

Accordingly, Fredlund et al. '215 and Bourdelais et al. '282, whether considered individually or in combination, are not believed to anticipated or make obvious the features of claim 19.

Referring to the rejection of claims 27-30 under 35 USC 103(a) as being unpatentable over Fredlund et al. '215 in view of Shaffer et al. '330 and Fields et al. '109, claim 27 is directed to a photofinishing method based on an interactive photofinishing ordering session which requires determining monitor

settings of a monitor accessed by a customer; comparing the determined monitor settings to optimum monitor settings that provide preferred calibration results; providing color calibration information to the customer based on the comparing step; and checking for a stored customer profile for the customer based on at least a customer identification of the customer, with the customer profile including information representative of preferred monitor settings for the customer. The applied references, whether considered individually or in combination, do not show or suggest the specific combination of features required by claim 27 with regard to the determination of optimum monitor settings in the environment of an interactive photofinishing ordering session as required by claim 27.

Therefore, even if combinable, the applied references would not show or suggest the features of claim 27. Further, absent Applicants' disclosure, one having ordinary skill in the art would not have combined the references to Fredlund et al. '215, Shaffer et al. '330 and Fields et al. '109 to achieve the claimed invention.

Claim 28 depends from claim 27 and sets forth further unique features of the method of claim 27 with respect to the interactive photofinishing ordering session which are not shown or suggested in the applied references, whether the references are considered individually or in combination.

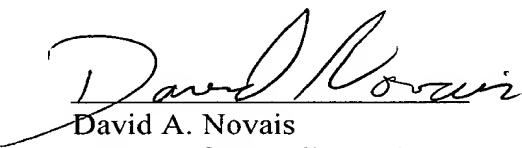
Claim 29 relates to a computer program product which offers photofinishing services based on an interactive photofinishing ordering session and causes a computer to perform the steps of determining monitor settings of a monitor accessed by a customer; comparing the determined monitor settings to optimum monitor settings that provide preferred calibration results; providing color calibration information to the customer based on the comparing step; and checking for a stored customer profile for the customer based on at least a customer identification of the customer, with the customer profile including information representative of preferred monitor settings for the customer. For the reasons noted above with respect to claim 27, the applied references are not believed to show or suggest the specifics of claim 29.

Claim 30 depends from claim 29 and sets forth additional unique features of the present invention which are not believed to be shown or suggested in the applied references.

Accordingly, Fredlund et al. '215, Shaffer et al. '330 and Fields et al. '109, whether considered individually or in combination, are not believed to anticipate or make obvious the specific features required by claims 27-30

In view of the foregoing comments, it is submitted that the inventions defined by each of claims 1-30 are patentable, and a favorable reconsideration of this application is therefore requested.

Respectfully submitted,



David A. Novais  
Attorney for Applicant(s)  
Registration No. 33,324

DAN/jrk  
Rochester, NY 14650  
Telephone: 585-588-2727  
Facsimile: 585-477-1148